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12 **UNITED STATES BANKRUPTCY COURT**

13 **CENTRAL DISTRICT OF CALIFORNIA**

14 **NORTHERN DIVISION**

15 In re:

16 JONATHAN ALAN STEIN,

17 Debtor and Debtor-in-Possession,

18 Case No. 9:21-bk-11117-DS

19 Chapter 11

20 **DECLARATION OF PAUL P. YOUNG IN
21 SUPPORT OF MOTION TO DISMISS
22 BANKRUPTCY CASE OR,
23 ALTERNATIVELY, TO CONVERT TO
24 CHAPTER 7, PURSUANT TO 11 U.S.C. §
25 1112**

26 Date: January 11, 2022

27 Time: 11:30 a.m.

28 Crtrm: 201 (via ZoomGov)

1415 State Street
Santa Barbara, CA 93101

DECLARATION OF PAUL P. YOUNG

I, Paul P. Young, declare as follows:

1. I am an attorney duly licensed to practice law in all courts in the State of California.

2. I am an attorney at Chora Young & Manassarian LLP, the counsel of record for Creditor Gabrielino-Tongva Tribe (“Tribe”) in this action.

3. I submit this declaration on behalf of the Tribe and in support of the Tribe’s Motion to Dismiss Bankruptcy Case or, Alternatively, to Convert to Chapter 7 (“Motion”). All capitalized terms herein are defined in the Motion.

4. On August 27, 2019, the Superior Court of California, County of Los Angeles, Hon. Judge Yvette Palazuelos presiding (Case No. BC361307), entered judgment for the Tribe and against Jonathan Stein, Law Offices of Jonathan Stein and St. Monica Development Company, LLC in the amount of \$20,411,067.23 in compensatory damages, and \$7,000,000.00 in punitive damages (“Judgment”). To date, the judgment debtors have failed to satisfy any portion of the Judgment.

5. On July 24, 2020, I conducted the judgment debtor examination of Mr. Stein. During that examination, Mr. Stein testified that his law firm had not handled any legal matter on behalf of any client during the previous three months.

6. I attach hereto and incorporate by reference herein a true and correct copy of the July 24, 2020 examination transcript as **Exhibit A**.

7. On October 21, 2020, the Tribe filed a Motion for Sanctions in the trial court in response to a new complaint that Mr. Stein had filed against the Tribe in the Superior Court of California, County of Riverside (“Riverside Complaint”). The Tribe sought sanctions against Stein’s counsel, John K. Rubiner and his law firm of Freeman, Mathis & Gary LLP (“FMG”) for filing the Riverside Complaint. On November 13, 2020, the Tribe settled that Motion for Sanctions with Mr. Rubiner and FMG.

8. On June 29, 2021, the Tribe caused levies to be served on financial institutions in California where Mr. Stein and his wife were believed to maintain accounts.

9. On or about August 20, 2020, the Tribe caused an Earnings Withholding Order (“EWO”) to be served on Law Offices of Jonathan Stein, P.C.

10. On March 24, 2021, seven months after service of the EWO, Mr. Stein served the Employer's Return on the EWO, stating that he earned no wages.

11. I attach hereto and incorporate by reference herein a true and correct copy of the Employer's Return as **Exhibit B**.

12. Since my firm's representation of the Tribe, Mr. Stein has not once attempted to reach an agreement with the Tribe concerning Mr. Stein's posting of a bond to stay enforcement of the Judgment during Mr. Stein's pending appeal.

13. On December 10, 2021, I attended the Rule 341 Meeting of Creditors in this case on behalf of the Tribe. During the Meeting of Creditors, Mr. Stein testified, among other things, that he cannot afford to post an appellate bond to stay enforcement of the Tribe's Judgment.

14. During the Meeting of Creditors, Mr. Stein also testified that the \$2.4 million value listed for the membership shares of St. Monica Development Company, LLC on Mr. Stein's Schedules is based upon prospective litigation (value of rescinded contracts).

15. During the Meeting of Creditors, Mr. Stein further testified that the same \$2.4 million claim is encompassed within Mr. Stein's separately listed \$4 million litigation claim against the Tribe.

I declare under the penalty of perjury pursuant to the laws of the United States of America that the foregoing is true and correct. Executed this 17th day of December, 2021, at Pasadena, California.

/s/ Paul P. Young
Paul P. Young

Exhibit A

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA
2 SANTA BARBARA COUNTY - ANACAPA DIVISION
3
4 GABRIELINO-TONGVA TRIBE,)
5 Plaintiff,) Case No. 20CV01716
6 VS.) VIA ZOOM WEB
7 JONATHAN STEIN, an individual; LAW) VIDEOCONFERENCE
8 OFFICES OF JONATHAN STEIN; ST.)
9 MONICA DEVELOPMENT COMPANY, a)
California limited liability)
company, and DOES 1 through 100,)
inclusive,)
10 Defendants.)
11
12 AND RELATED CROSS-ACTIONS AND)
13 CROSS-ACTIONS)
14
15 JUDGEMENT DEBTOR EXAMINATION OF JONATHAN STEIN, ESQ.
16 SANTA BARBARA, CALIFORNIA
17 FRIDAY, JULY 24, 2020
18 11:13 A.M. to 1:36 P.M.
19
20
21
22
23 ATKINSON-BAKER, INC.
(800) 288-3376
24 www.depo.com
25 REPORTED BY: Tracey Wiley CSR No. 5396
Zoom Web Conference Paso Robles, California
26 File No. AE04F9B
27
28

CERTIFIED COPY

Jonathan Stein, Esq.
July 24, 2020

1 Q. Is your wife a member of any limited liability
2 company?

3 MR. RUBINER: I'm going to object to the extent
4 it calls for communications between Mr. Stein and his
5 spouse on the spousal privilege. To the extent you can
6 answer without disclosing any such communication to
7 him.

8 A. I can't answer without disclosing
9 communications.

10 BY MR. YOUNG:

11 Q. Okay. Is your wife a shareholder in any
12 corporation currently?

13 MR. RUBINER: Object on the ground of spousal
14 privilege to the extent you can answer without
15 disclosing any spousal communications, you may.

16 THE WITNESS: I can't answer.

17 BY MR. YOUNG:

18 Q. And are you unable to answer because of
19 Mr. Rubiner's instruction?

20 A. Yes.

21 Q. At the beginning of this examination I asked
22 you if you were currently employed, and you stated that
23 you were employed by your professional corporation.
24 Can you explain to me the nature of your law practice,
25 Mr. Stein?

26 A. Hum, it's pretty inactive right now.

27 Q. What do you mean by, "it's pretty inactive"?

28 A. No clients.

1 Q. Why do you currently have no clients?

2 MR. RUBINER: Objection. Calls for
3 speculation.

4 THE WITNESS: I don't know.

5 BY MR. YOUNG:

6 Q. How long have you been in the situation where
7 you have no clients?

8 A. About three months.

9 Q. And the slowing of your law practice, is that
10 something that you wanted?

11 A. Ah, no.

12 Q. And to be clear, do you know what caused this
13 slow down in your law practice?

14 A. Well, no, I don't.

15 Q. Are you actively turning away clients?

16 A. No.

17 Q. Mr. Stein, do you work from an office location?

18 A. No.

19 Q. So is your law office headquartered within your
20 home?

21 A. Yes, it is. And I believe the Secretary of
22 State filings shows that it is.

23 Q. Do you ever meet clients at any other location
24 besides your home?

25 A. Yes, I have in the past.

26 Q. Where do you meet them?

27 A. It depends where they are. The client -- the
28 last client I had I met in Santa Monica.

1 STATE OF CALIFORNIA)
2 COUNTY OF SAN LUIS OBISPO) SS.
3

4 I, Tracey Wiley, CSR NO. 5396, certify:

5 That the foregoing examination was taken before
6 me at the time and place therein set forth, at which
7 time the witness was put under oath by me;

8 That the testimony of the witness and all
9 objections made at the time of the examination were
10 recorded stenographically by me and thereafter by
11 computer transcribed;

12 That the foregoing examination is a true record
13 of the testimony and of all objections made at the time
14 of the examination.

15 I further certify that I am neither counsel for
16 nor related to any party to said action, nor in any way
17 interested in the outcome thereof.

18 In witness whereof, I have subscribed my name
19 this 3rd day of August 2020.

20

21

22



23

24 Tracey Wiley, CSR NO. 5396

25

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27

28

Exhibit B

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: Jonathan Stein FIRM NAME: LAW OFFICES OF JONATHAN STEIN, PC STREET ADDRESS: 2520 Murrell Road CITY: Santa Barbara TELEPHONE NO.: 310-968-4455 E-MAIL ADDRESS: jstein@jsteinlaw.com ATTORNEY FOR (name): Jonathan Stein	STATE BAR NUMBER: 123894 STATE: CA ZIP CODE: 93109 FAX NO.:	LEVYING OFFICER (name and address): Santa Barbara County Sheriff Civil Unit PO Box 690 Santa Barbara, CA 93102
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA BARBARA STREET ADDRESS: 1100 Anacapa Street MAILING ADDRESS: P.O. Box 21107 CITY AND ZIP CODE: Santa Barbara, 93121-1107 BRANCH NAME: Santa Barbara - Anacapa Division		
PLAINTIFF/PETITIONER: Gabrielino-Tongva Tribe DEFENDANT/RESPONDENT: Jonathan Stein		COURT CASE NUMBER: 20-CV-1716
EMPLOYER'S RETURN (Wage Garnishment)		LEVYING OFFICER FILE NUMBER: 2020-01356

EMPLOYER: You must complete both copies of this form and mail them to the levying officer within 15 days.

Please correct any errors in the mailing information below and provide any missing information, including the name of the person to whom notices should be directed.

FAILURE TO COMPLETE AND RETURN THESE FORMS MAY SUBJECT YOU TO PAYMENT OF ATTORNEY FEES AND OTHER CIVIL PENALTIES.

Name and address of employer

LAW OFFICES OF JONATHAN STEIN, PC
2520 Murrell Road
Santa Barbara, CA 93109

Attn:

(Insert name above)

Name and address of employee

Jonathan Stein
2520 Murrell Rd, Santa Barbara, CA 93109-1859
Murrell Road
Santa Barbara, CA 93109

Social Security No. on form WG-035 unknown

- I received the Earnings Withholding Order on
(date):
- The employee is
 - not employed by this employer (if not employed, omit items 2b through 6 and proceed to the declaration at the end of this form).
 - now employed by this employer and in the last pay period had gross earnings of: **\$ 0.00 since 2020-09-02**
- The employee's pay period is
 - daily
 - weekly
 - every two weeks
 - twice a month
 - monthly
 - other (specify):

(IF YOU HAVE RECEIVED NO OTHER ORDERS THAT PRESENTLY AFFECT THIS EMPLOYEE'S EARNINGS, OMIT ITEMS 4, 5 AND 6, AND PROCEED TO THE DECLARATION AT THE END OF THIS FORM.)

The Federal Wage Garnishment Law and federal rules provide the basic protections on which the California law is based.

(Continued on reverse)

Page 1 of 2

SHORT TITLE: Gabrielino-Tongva Tribe v Stein	LEVYING OFFICER FILE NUMBER: 2020-01356	COURT CASE NUMBER: 20-CV-1716
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If you have received other orders that presently affect this employee's earnings, another order may have priority over this one. The following list indicates the priority of orders:

Wage and Earnings Assignment Order (for Support)	First priority
Earnings Withholding Order for Support	Second priority
Earnings Withholding Order for Taxes	Third priority
Earnings Withholding Order for Elder or Dependent Adult Financial Abuse	Fourth priority
Earnings Withholding Order	Fifth priority

If two or more orders have the same priority, comply with the one received first. If both were received on the same date, comply with the one with the earlier date of judgment. If the dates of judgment are the same, you may select which order you choose to comply with.

4. This order appears to have higher priority than any other order. Earnings will be withheld for this order in accord with the EMPLOYER'S INSTRUCTIONS (on reverse of Earnings Withholding Order).

5. The employer has received another order affecting the employee's earnings and earnings are being withheld for the other order because:

- The other order was received first. The other order was received on (date):
- This order does not have higher priority.
- A copy of the other order is attached. (Retain original for your records. If a copy is not attached, complete item d.)
- A copy of the other order is NOT attached. Describe the other order by providing the following information:

(1) Court name, address, and case number:

(2) Levyng officer name, address, and file number:

(3) Total amount to be withheld: \$

6. This order is not effective for the reason shown in item 5. It is returned to the levying officer with this return.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: **March 24, 2021**

Jonathan A Stein, President

(TYPE OR PRINT NAME)



(SIGNATURE OF DECLARANT)

If an Earnings Withholding Order is not effective when served, for any reason, do not hold it. Return it to the levying officer with this return.

FAILURE TO COMPLETE AND RETURN THIS FORM MAY SUBJECT AN EMPLOYER TO CIVIL PENALTIES AND ATTORNEY FEES.

PROOF OF SERVICE

I am a citizen of the United States and employed in Santa Barbara County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is Law Offices of Jonathan Stein, PC, 2520 Murrell Road, Santa Barbara, California 93105. March 24, 2021, I served a copy of the within document(s):

EMPLOYER'S RETURN (Wage Garnishment)

by electronically serving the document(s) listed above on the persons and in the manner described pursuant to stipulation of the parties

<p>Santa Barbara County Sheriff Civil Unit POL Box 690 Satna Barbara, CA 93102 (served by overnight mail)</p>	<p>Eric Berg Berg Law Group 3905 State St Ste 7-104, Santa Barbara, CA 93105 eric@berglawgroup.com</p>
<p>Paul Young, Esq. Chora Young, LLP 650 Sierra Madre Villa Avenue, Suite 304 Pasadena, California 91107 paul@cym.law</p>	

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on March 24, 2021 at Santa Barbara, California.

J.W.